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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,597	12/27/2001	Aleksandra Mojsilovic	909.0045.U1(US)	8791
29683 7590 04/30/2007 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER LE, BRIAN Q	
			ART UNIT 2624	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/033,597	Applicant(s) MOJSILOVIC ET AL.	
	Examiner Brian Q. Le	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, and 3-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment and Arguments

1. Applicant's amendment filed February 26, 2007, has been entered and made of record.
2. The amended specification filed 02/26/2007 is approved, has been entered and made of record.
3. Applicant's arguments with regard to claims 1, and 3-28 have been fully considered, but are not considered persuasive because of the following reasons:

Regarding independent claims 1 and 25, the Applicant argues (page 14 of the Remarks) that Jain et al. U.S. Patent No. 5,915,250 ("Jain") does not disclose a concept of subjective experiments performed with human observers, nor is there disclosure that perceptual features and their combinations or perceptual semantic categories are derived at least in part through subjective experiments performed with human observers. The Examiner respectfully disagrees. Due to broadly claim's language, the concept is subject to a reasonable interpretation. Even though the specification discloses the concept different comparing to Jain's teaching; however, the claims have broadly claimed the concept and thus subjected to different interpretations. Thus, Jain implicitly teaches the concept of subjective experiments performed with human observers ("...interface provides functions to allow the user to control which relative combinations of individual distances satisfies his or her needs.") (column 8, lines 25-35), and disclosure that perceptual features (visual information of visual objects) (abstract) and their combinations or perceptual semantic categories (the process/rules of query, classification and specification) (column 3, lines 20-40) are derived at least in part through subjective experiments performed with human observers (human is involve in the process of query,

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classification and specification) (column 3, lines 20-40; column 7, lines 1-10 and column 8, lines 24-35).

To further assist the Applicant with the guidance with claim language interpretations so that the Applicant can add further/more details limitations from the specification to the claims to overcome the prior arts, the Examiner is presenting MPEP, section 2111, Claim Interpretation; Broadest Reasonable Interpretation as follow: "The court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." The court found that applicant was advocating the latter, i.e., the impermissible importation of subject matter from the specification into the claim.). See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.")".

For other arguments, please refer back to the discussion above because other arguments are depending on the basis of the argument above. The Examiner believes that all the arguments of the Applicant have been properly addressed and explained. Thus, the rejections of all of the claims are maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, and 3-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al. U.S. Patent No. 5,915,250.

Regarding claim 1, Jain teaches a computer implemented method (FIG. 1A) for determining the semantic meaning of mages, comprising:

deriving a set of perceptual semantic categories (defining and register custom primitives) (abstract) for representing important semantic cues (object's attributes) (abstract) (color, texture, shape, pattern, object) (face) (column 4, lines 1-45) in the human perception of images (column 4, lines 20-25), where each semantic category is modeled through a combination of perceptual features that define the semantics of that category and that discriminate that category from other categories (visual information retrieval system provides modular and framework to define and classify category of object's attributes) (abstract and column 3, lines 60 to column 4, lines 1-10), wherein the perceptual features and their combinations are derived at least in part through subjective experiments performed with human observers (column 4, lines 21-32; FIG. 1A, elements 102, 104 and 112; column 6, lines 58-61; column 8, lines 32-35; column 11, lines 43-59 and column 18, lines 7-26); and

for each semantic category, forming a set of the perceptual features as a complete feature set CFS (feature vector to store each kind of primitives) (column 5, lines 5-20).

For claim 3, Jain further teaches a method further comprising extracting perceptual features from an input image and applying a perceptually-based metric (a similarity scoring system) to determine the semantic category for that image (abstract).

Referring to claim 4, Jain discloses a method comprising processing the input image to compute the CFS (FIG. 1A, element 112); comparing the input image to each semantic category through the perceptually-based metric that computes a similarity measure between the features used to describe the semantic category and the corresponding features extracted (abstract) from the input image (rank similarity result) (column 12, lines 50-67); and assigning the input image to the semantic category that corresponds to a highest value of the similarity measure (column 12, lines 65 to column 13, line 3).

For claims 5, Jain also discloses a method further comprising computing features from the CFS for images in an image database (FIG. 1A); and generating a distance measure for characterizing a relationship of a selected image to another image in the image database by applying a perceptually-based similarity metric (column 8, lines 10-27).

For claim 6, Jain shows a method where values of the similarity metric computed for images in the image database are subsequently used to search for similar images in the image database (column 9, lines 50-64).

Regarding claim 7, Jain shows a method where values of the similarity metric computed for images in the image database are subsequently used to organize images in the image database (classifying images base on similarity scoring system) (FIG. 5B, elements 280 and 284).

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For claim 8, Jain teaches a method where values of the similarity metric computed for images in the image database are subsequently used to display images in the image database in an organized manner (FIG. 4; FIG. 5B, element 294; and column 11, lines 23-39).

Also to claim 9, Jain further teaches a method further comprising defining a subset of features for the selected image or for an image retrieved from the image database, and using the subset of features to refine a search through the image database (searching with specific parameters) (column 4, lines 29-45).

Referring to claim 10, Jain shows a method wherein the image database is located at a remote location and is reachable through a data communications network (FIG. 1B and column 9, lines 10-25).

Also to claim 11, Jain further shows a method wherein the image database is located at a remote location and is reachable through a data communications network, and where the step of characterizing the relationship of the selected image to another image in the image database by applying the perceptually-based similarity metric is accomplished to retrieve an image from the remote image database (FIG. 1B and column 9, lines 10-50).

As for claim 12, Jain also teaches a method wherein the image database is located at a remote location and is reachable through a data communications network, and where the step of characterizing the relationship of the selected image to another image in the image database by applying the perceptually-based similarity metric is accomplished in conjunction with a text-based search algorithm to retrieve a multi-media object from the remote location (direction communication between databases) (column 9, lines 10-50).

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Referring to claim 13, Jain discloses a method wherein to assign a particular semantic category to an image all of a set of Required Features must be present in the image, and at least one of a set of Frequently Occurring Features must be present in the image (fixed/universal or default primitives) (column 8, line 60 and column 16, lines 16-25).

For claim 14, please refer back to claims 1-3 for further teachings and explanations. In addition, Jain teaches a data processing system comprising a data processor, a graphical user interface and a memory to processes the aforementioned limitations (FIG. 1A and column 9, lines 5-50).

For claims 15-24, please refer back to claims 4-13 respectively for further teachings and explanations.

For claim 25, please refer back to claims 1-4 for further teachings and explanations. In addition, Jain teaches a computer program (column 6, lines 15-25) to processes aforementioned limitation and semantic categories being modeled using multidimensional scaling and hierarchical clustering techniques (different ways of querying and classifying images) (FIG. 1A, elements 106 and 108).

For claims 26 - 27, Jain teaches a computer program where as a result of comparing the input image to images stored in the image database one or more most similar images are identified in the image database (column 12, lines 50-67 and (column 12, lines 65 to column 13, line 3) and display it (FIG. 1B, element 148).

For claim 28, please refer back to claim 14 for further teachings and explanations.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Brian Le". The signature is fluid and cursive, with the first name "Brian" being more legible than the last name "Le".

Brian Le
April 25, 2007